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Letter dated 19 February 2004 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council

I have the honour to refer to my letter of 19 December 2003, transmitting to the President of the Security Council for December 2003, for circulation to the members of the Council, a draft report on the workshop for newly elected and current Security Council members, which was held on 13 and 14 November 2003 at Glen Cove, Long Island.

The report has now been finalized, in the light of comments received from participants. I am pleased to forward to you the final report (see annex), which has been compiled in accordance with the Chatham House Rules under the sole responsibility of the Permanent Mission of Finland.

The Government of Finland expresses the hope that this report will not only assist in familiarizing newly elected members with the working methods and procedure of the Council, but also contribute to a better understanding among the wider United Nations membership of the complexity of the work of the Council.

I should be grateful, accordingly, if this report could be circulated as a document of the Security Council.

(*Signed*) Marjatta **Rasi**
Ambassador
Permanent Representative

04-24841 (E) 040304

Annex to the letter dated 19 February 2004 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council

"Hitting the ground running": workshop for newly elected members of the Security Council

13 and 14 November 2003
Harrison Conference Center at Glen Cove
Long Island, New York

Commencing on the evening of 13 November and concluding on 14 November 2003, the Government of Finland — in cooperation with the Center on International Organization of Columbia University, the Security Council Affairs Division of the United Nations Secretariat, and the United Nations Institute for Training and Research (UNITAR) — convened a workshop for the newly elected members of the Security Council. The workshop gathered the five newly elected members with recent and current members of the Council, as well as a number of outside experts.

The objective of the workshop was to help familiarize the newly elected members with the practice, procedure and working methods of the Council so that they might "hit the ground running" when they joined the Council on 1 January 2004. It was also intended to offer members of the Council an opportunity to reflect on their work in an informal setting. The workshop was designed to complement the annual UNITAR briefing on aspects of the Council's work, held earlier the same week.

Participants discussed six main themes: I. Opportunities for leadership: where and how elected members of the Security Council can make a difference; II. Security Council missions; III. Working groups and subsidiary bodies; IV. Role of the Security Council political coordinators; V. Priority setting, agenda shaping and time management; and VI. Encouraging strategic and forward-looking thinking and more effective outreach.

This report highlights some of the points and suggestions made during the workshop but is not intended to represent an agreed position of the participants or the organizers.

Session I
Opportunities for leadership: where and how elected members of the Security Council can make a difference

Moderator: **Ambassador David Malone (International Peace Academy)**

Commentators: **Counsellor Valeri Yotov (Bulgaria)**
Ambassador Martin Chungong Ayafor (Cameroon)
Ambassador Alpha Ibrahima Sow (Permanent Representative of Guinea)
Ambassador Carlos Pujalte (Mexico)
Ambassador Fayssal Mekdad (Permanent Representative of the Syrian Arab Republic)

Introducing the session, the moderator observed that the Council no longer operates in relative obscurity. Its work was scrutinized by the international community. The Iraq crisis, as it unfolded, was shown worldwide. With the new level of scrutiny, the Council is being judged on its actions and held to higher standards. The appropriate response was not to bunker and hide, but to interact with the outside community. The moderator expressed the hope that the new members would interact positively with the outside world while serving on the Council.

Role of the elected ten (E10)

The five outgoing elected members highlighted several areas in which they believed they had been able to make a difference within the Council:

- First and foremost, they had brought to bear a regional perspective. They had looked out for issues that touched their respective regions, sought to contribute to Council members' understanding of them, and worked to have them taken up in the Council. They pointed, for example, to the focus on the Central African region, especially the Central African Republic, and on West Africa, where there had been some improvement in the situations in Liberia and Sierra Leone. Another elected member had insisted that the situation in the Middle East be discussed each month: that was now a regular feature on the Council's agenda. It was noted that tensions could exist between the national and regional interests that elected members were supposed to represent. The E10 had sought to keep paramount, however, the principles of the Charter and the interests of the international community as a whole. Other speakers acknowledged that the E10's knowledge of particular issues and the regional context was very important to the effective functioning of the Council. They looked forward to the contribution that the newly elected members would be able to make in this regard.

- The E10 had also worked to promote consensus within the Council. This was an important role since it was essential that the Council try to speak with one voice. When it was united, it could accomplish a great deal, as had been the case in Liberia, Côte d'Ivoire and Sierra Leone. Speakers pointed out that the E10 were themselves a heterogeneous group whose interests did not necessarily coincide on all issues. They did not, therefore, act as a bloc. They had, however, taken steps to work together by having monthly meetings of Permanent Representatives and Deputy Permanent Representatives. Vis-à-vis

the five permanent members (P5), they had sought to act as facilitators, trying to bridge differences and reconcile positions. The discussions on Iraq in March 2003 were mentioned as an example. It was noted, however, that bringing together the P5 was a task often beyond the capacity of the E10, as had proved to be the case in that instance.

- The E10 likewise had been able to influence the shaping of draft resolutions. Outgoing members sought to dispel a commonly held perception that the role of elected members was a very limited one, confined to endorsing the positions of the P5. They maintained that that did not reflect the reality on the ground. On the contrary, the E10 always had their say, particularly if the matter concerned their geographical area or was of particular significance. Their views were given due consideration because they mattered. Equally, if any of the P5 were considering casting a veto, it would usually look first for a compromise and seek as much support from the E10 as possible. The P5 could not put draft resolutions to a vote without first considering the views of the elected members. In that way, the E10 played an important role in shaping not only how the Council voted but on what texts it voted. Indeed, one of the reasons why negotiations in the Council were often lengthy was because of the need to obtain E10 input.

- The E10 were equally able to stop an initiative, through the exercise of a "reverse veto". It was recalled that that had been done on at least one occasion in 2003.

- The E10 had tried to promote transparency in the Council's work. They had welcomed the holding of more open debates and wrap-up sessions. These afforded non-members an opportunity to provide inputs and have their views taken into account. At the same time, it should be acknowledged that delegates were less candid in open meetings and more frank in closed ones. As for wrap-up sessions, these were a relatively new means of Council self-assessment. The outgoing elected members viewed them as useful, but recognized that they had not been embraced by all members of the Council.

- The E10 had also been able to influence the substance of the Council's work through effective use of the Presidency. It was noted that, in that capacity, an elected member could include on the agenda an item that it considered important — as, for example, a thematic issue — and could encourage the Council to pronounce itself on that subject.

- Elected members had also contributed to the work of the Security Council by chairing its sanctions committees, other subsidiary bodies, and working groups. (These were considered further in session III.) One speaker noted, in this regard, that the E10 had made strong contributions to the Council's working methods, through its working group on documentation and procedure.

- Lastly, it was generally felt that the E10 brought a much-needed dynamic element to the work of the Council by bringing new blood and fresh perspectives to its deliberations.

Specific concerns

The outgoing elected members also drew attention to some of the constraints of their position:

- One remarked on the difficulty of getting onto the Council. Whereas some Member States served on the Council every 5 or 7 years or even more frequently, others had had to wait 30 years. It was suggested that there needed to be greater equality among Member States in the selection process.

- Several spoke of a lack of information, which put the E10 at a disadvantage vis-à-vis the P5. Procedurally, the Council operated with "provisional" rules of procedure and with greater reliance placed on practice. With their institutional memory, the P5 could invoke previous practice, whereas the E10, who lacked that memory, could not. It was noted that one solution was to approach the Secretariat, which could advise members on what the practice of the Council was on a particular matter. Substantively, some of the E10 were at a disadvantage in terms of information gathering, as they did not have embassies everywhere. Here, too, the role of the Secretariat was considered crucial in ensuring a level playing-field. Mention was also made in this regard of the importance of Security Council missions in providing first-hand knowledge of a situation on the ground. (See the further discussion in session II.) In addition, attention was drawn to the many helpful independent sources of information and analysis outside the United Nations.

- Some remarked on the lack of continuity. Just when the elected members had come to grips with the issues and how things were done, their term was up. There was no mechanism for capturing lessons learned.

- Others regretted that at times they were not consulted early enough but presented with "pre-cooked" solutions by the P5. A permanent member observed that this cut both ways. He recalled that the P5 had reached a common position on Liberia and had been criticized for showing leadership when previously they had been criticized for not having done so.

- It was noted, moreover, that if the stakes were high, the Permanent Representatives in New York could be bypassed in favour of direct contacts between capitals.

Suggestions and advice

The outgoing elected members welcomed the Workshop and hoped that, with this orientation, the incoming members would indeed "hit the ground running" as opposed to "crawling" as they felt they had done. They made a number of related suggestions, based on their experience:

- The Secretariat should consider organizing briefing or training sessions for journalists from countries newly elected to the Council and who had not previously covered the Security Council, to raise awareness and understanding of its work.

- New members should adopt a media policy, as they would be approached by all kinds of journalists on exiting the Council Chamber.

- They would also need a policy on NGOs.

- To have an effective input, they should follow a subject or issue consistently and persistently.

- However, they should avoid being seen as a single-issue member. Members were most effective when they contributed on all issues.
- The Security Council could face difficult dilemmas and, sometimes, wrong decisions were made (Rwanda and the safe areas in Bosnia were given as examples). New members were urged to think ahead about their own decisions, as they might come back to haunt their country and even them personally.

Session II
Security Council missions

Moderator: **Professor Michael Doyle (Columbia University)**

Commentators: **Minister Counsellor Boubacar Diallo (Guinea)**
Counsellor Jiang Jiang (China)
Ambassador Alexander V. Konuzin (Russian Federation)

In his introduction, the moderator noted that several recent reports — including the Brahimi report (S/2000/809), the "No exit without strategy" report (S/2001/394), and the Secretary-General's report on prevention (S/2001/574) — had recognized the important role of Security Council missions. Three key areas in which missions could be helpful were conflict prevention, the design of a conflict resolution strategy, and mid-course correction, including an exit strategy. Whatever knowledge Member States brought to the Council, there were very few substitutes for the first-hand experience that could be gained through missions. They could be helpful in (1) obtaining facts from a range of actors, (2) conveying a message of the Council's unity and determination in a potential conflict situation, and (3) expressing support for international peacekeepers on the ground. The moderator cautioned, however, that Council missions could be overwhelmed by numbers of participants or by overly complicated itineraries. They should be regarded neither as trips for their own sake nor as cure-alls. Missions could be very helpful in resolving conflicts when the right message was delivered, as in East Timor, but could have disastrous results when promises were made that could not or would not be fulfilled, as in Srebrenica.

The commentators proceeded to share their mission experiences: (1) prior to the dispatch of the mission; (2) during its work on the ground; and (3) following its return to New York.

Prior to departure

Commentators and other participants stressed the importance of preparatory work in the run-up to a Council mission. For example, mission participants typically met prior to departure to decide the terms of reference, which serve as a guiding document. In addition, some participants underlined the utility of making greater use of available resources, such as the Secretariat, regional organizations, NGOs and experts. Several speakers suggested that a retreat would be useful prior to the departure of each mission, though one participant strongly disagreed, citing time limitations. It was suggested that such an option could be considered by the Council prior to each mission, because past experience indicated that a day of discussion could serve as very useful preparation, and that there was much to learn from previous missions to the area. Speakers also shared the view that Council missions should have clear and realistic goals that were understandable to the mission's interlocutors on the ground and to the population at large.

According to several speakers, the size and composition of each mission needed careful attention. Clearly large missions raised financial and logistical concerns, though in some cases it was important to demonstrate unity by having all fifteen members participate at the Ambassadorial level. Also, the political implications of not participating could be a concern, so it would be preferable for all

members to go if they wished. On the other hand, it was pointed out that large Council missions can be overwhelming, especially for small host countries in post-conflict transitions. One speaker suggested smaller missions for emergency situations and larger missions for complex situations where a demonstration of the Council's determination and unity was important. It was agreed that the Mission Head, who spoke on behalf of the mission, had a key part to play and therefore should keep in close contact with other members of the mission.

Joint missions with other United Nations bodies, such as the Economic and Social Council, as well as regional organizations, were considered to be useful under appropriate circumstances. But they should only be undertaken, it was cautioned, when the other bodies had a specific mandate and interest in participating. Articles 50 and 65 of the Charter were mentioned in this context.

Participants agreed that timing was also important. While it might be desirable to launch more missions, financial and time considerations were limiting factors. One participant suggested three missions per year as a rough guide, while another saw little point in making rules, since missions should be in response to real needs. Missions should be considered when a peace process was at a critical juncture and when such initiatives by the Security Council could make a difference, since arriving too early or too late could be unproductive. Another speaker noted the utility of preventive missions.

On the ground

One commentator, relating his experience from a recent mission to Afghanistan, remarked that missions allowed participants to obtain a first-hand appreciation of the situation on the ground, including the nuances of the positions of the parties. Other speakers agreed that, while Secretariat reports were of high quality, there was no substitute for seeing the situation on the ground. The first-hand knowledge gained from the field could add richness and depth to the Council's analysis and deliberations, and even lead to a revision of a peacekeeping mandate, such as was the case with MONUC.

The importance of meeting a wide spectrum of local actors was highlighted during the discussion. Different conclusions were reached, for example, by the Security Council mission to Kosovo and another mission to the province that had time to see more and to speak to a broader range of people. In particular, the value of meeting NGOs and local leadership figures (both formal and informal, such as Afghan warlords), and of visiting sites such as refugee camps was stressed. It was particularly important to meet with representatives of specific sectors, such as women, minorities and other vulnerable groups whose voices might not be heard in other forums. Also, several participants commented on the importance of interacting with local people (outside the political process), passing a message of peace as well as listening to their views and making them feel part of the decision-making process. At the same time, some discussants cautioned that, while greater interaction was worthwhile, it complicated and extended the mission, while perhaps portraying the Council as a final arbiter or tribunal. The risk of being confused by false or conflicting testimonies was also highlighted. This discussion, it was pointed out, was in line with the Council assuming a broad mandate and concept of its responsibilities, including on issues such as human rights.

In discussions with their interlocutors on the ground, it was recommended that the Council members be diplomatic but tough where necessary, especially with irregular forces such as warlords and rebels. The problem of impunity was raised in relation to meeting with actors who committed atrocities without fear of retribution. On the other hand, the value of the Council's conveying a supportive — rather than threatening — message was repeatedly stressed.

A number of participants underlined the importance of a mission's transparency vis-à-vis local actors on the ground and others within the United Nations system, although another argued that publishing the results of a mission's daily consultations (the "oral history" of a mission) might deter some people from speaking openly. It was suggested that some form of records might be maintained as historical documentation.

Post-mission

One commentator underlined that the Council should remain true to the recommendations in its reports and should incorporate them in resolutions and other decisions of the Council. Another held the view that the Council should periodically revisit its recommendations, which should not be regarded as a "one-off".

In conclusion, participants shared the view that Security Council missions: (1) represented an important dimension of the Council's work and outreach; (2) provided unique learning opportunities for participants; and (3) in appropriate circumstances, could help improve the situation on the ground by passing messages, by conveying the Council's unity, firmness and commitment, and, at times, by yielding specific results.

Session III
Working groups and subsidiary bodies

Moderator: **Ambassador Ismael Gaspar Martins (Permanent Representative of Angola)**

Commentators: **Ambassador Heraldo Muñoz (Permanent Representative of Chile)**
Ambassador Inocencio F. Arias (Permanent Representative of Spain)

In introducing the topic, the moderator briefly described the role of working groups and subsidiary bodies in helping the Council handle its complex and expanding agenda, including the implementation of specific resolutions. The discussion focused on the following main themes: (1) how Council committees work in practice; (2) the role of the 1267 sanctions Committee, charged with monitoring the implementation of sanctions against Al Qaida and the Taliban; (3) the evolving role of the Counter-Terrorism Committee; (4) the role of panels of experts in monitoring sanctions; (5) certain problems faced by Council working groups; and (6) how best to prepare for the chairmanship of a committee or working group.

Key features and procedures of Security Council committees

As replicas of the Security Council, each committee includes all fifteen members of the Council. But procedurally they differ from the Council in important respects. First, the chairmanship of committees does not rotate monthly like the Presidency of the Council, but annually. The chairmen are elected by the Council, though in practice they are designated by the P5. Greater transparency was called for in this regard. A second difference is that the P5 have no formal veto in committees. A third is that committees take decisions by consensus, not by voting — a practice which was discussed at some length (see below). A fourth difference is that Permanent Representatives — except for the Chairman of the committee — rarely attend committee meetings. States are generally represented by Counsellors or First Secretaries. A fifth difference is that Committees, even more than the Council itself, do not have all the means available to carry out their mandates, as in the case of the fight against terrorism.

Consensus, in the view of some, is a problematic aspect of committee decision-making. It allows one member to block a majority and an entire issue to be blocked when only a few aspects are not agreed upon. Others argued, however, that it was important to retain the rule of consensus at the working level, the committee level, to ensure that all members' views are taken into account. And it was noted that, though consensus is the rule, there are ways around it. For example, Chairmen often conduct informal consultations to try to resolve impasses and can, if necessary, take an unresolved issue to the Council to be decided at that level.

Role of the Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban

Following the terrorist attacks of September 11, global terrorism has taken a central place on the Council's agenda and in the work of the two Committees showcased in the session. The 1267 Committee, established in 1999, oversees the

implementation of several resolutions imposing a broad range of sanctions against Osama bin Laden, members of the Al-Qaida organization and the Taliban, and associated individuals and entities. The measures include travel bans, the freezing of economic assets, and arms embargoes — and are applied globally.

How does the Committee operate? Its main instrument is the Consolidated List — a regularly updated list of the above-mentioned individuals and entities. It currently contains some 372 individuals or organizations. As to compliance, the Committee has before it the reports provided by Member States on their implementation of these measures: reports mandated by Council resolutions, most recently resolution 1455 (2003). It is disappointing that only 84 out of 191 countries have submitted reports thus far, while Al-Qaida and the Taliban have been active in at least 102 countries. The work of the Committee has been aided by a Monitoring Group of experts established by the Council. On balance, much has been achieved: there is greater intelligence coordination at the national and regional levels; more cooperation with the Committee despite the modest number of reports received; and new legislation and infrastructure at the national level to help Member States meet their obligations. In addition, some $135 million in assets have been frozen, though Al-Qaida has been trying to circumvent that. Now the Committee has to confront the idea of confiscating assets and land, and of regulating informal banking systems. In sum, the Committee is working, even as it needs to consider the challenges that lie ahead.

Several participants expressed concern about how the procedures established by the Committee for listing and de-listing individuals and entities operated in practice. They spoke of difficulties they had experienced in seeking the addition or removal of names from the Consolidated List.

Evolving role of the Counter-Terrorism Committee

Established in the wake of September 11 to monitor the implementation of resolution 1373 (2001) — which prescribed far-reaching action against terrorist threats — the Counter-Terrorism Committee is one of the Council's most visible committees. After a quick start, the Committee has come to appreciate that fighting terrorism is a very complicated matter. The Committee has done well in two respects, noted several speakers: (1) in encouraging Member States to adopt legislation to further the counter-terrorism goals of resolution 1373 (2001) and (2) in encouraging them to ratify the key United Nations conventions against terrorism, with some regional differences.

The Committee is now embarking on a second phase: monitoring the implementation of national legislation to ensure its conformity with international obligations. Some scepticism was expressed as to whether the Committee will be able to do this. First, it does not appear to have sufficient means. Second, it is limited by the need for consensus, since certain members are very reluctant to name recalcitrant States and others believe that the time has come to name names. There is an impression that, though the Counter-Terrorism Committee is ably chaired, it has been declining in visibility and vitality, and questions were raised about how best to address this. It was noted that the Committee had recently approved a report describing what was working and what was not and identifying categories of countries that had not yet reported on measures taken to implement resolution 1373 (2001). While a good many of those States have not reported because of lack of

capacity, about a quarter of them have failed to do so because they lack the political will. It is critical, some contended, that the Committee be able to reach a consensus on naming them.

The role of panels of experts in monitoring sanctions implementation

Attention was drawn to the role played by independent panels of experts in assisting sanctions committees. Their creation was described by one participant as the most innovative action taken by the Security Council to deal with the implementation of sanctions regimes. The Panel of Experts on Angola, for example, played a key part in the implementation of the sanctions against UNITA. Without its work and the strong lead taken by the Chairman of the Angola sanctions Committee, it would have been difficult to predict the outcome of that sanctions regime. But the monitoring panel had caused neighbouring States to feel vulnerable and to change their policies. Another participant, recalling his own experience as a member of two expert panels — on Sierra Leone and later Liberia — echoed this assessment of their usefulness. Such independent experts could provide a better understanding of implementation problems on the ground, as well as suggest how they might be resolved.

Several participants stressed, however, that sanctions committees should monitor closely the work of panels of experts. Unfortunately, the latter do not all work to the same high standards. Sometimes they produce unreliable data and make hasty accusations; fail to understand the peace processes that are developing in a country or region; have corporate interests; or exceed their mandate. On the first point, it was noted that the Secretariat, too, has been very concerned about the need for panel findings to be credible and corroborated. Some six months ago, it established an interdepartmental task force to look into the matter, prompted by difficulties raised in connection with the work of some expert panels. It prepared internal guidelines for experts, calling for the use of the best possible evidentiary standards and for corroboration based on multiple sources of information. Every effort is being made to make panel members more sensitive to the importance of preserving the integrity of this exercise. Council members were urged to stay the course and support the panels. The Secretariat cannot prosecute a sanctions regime by itself, since it does not have the capacity to unearth and present the evidence.

The relationship between the monitoring panels and the committees was also touched upon. It was described as a challenging one, requiring careful handling. On the one hand, panels of experts, which derive their mandate from the Security Council, are answerable to it and the respective sanctions committees. On the other hand, however, panel members are designated by the Secretary-General, not by the Chairman of the relevant Committee. Each panel, therefore, has a certain independence, which makes it more difficult to pull it into line if it appears to be going off track. It was argued that the Council should give the panels enough space to do their job, but also make them understand that they are to assist and serve the committees.

Security Council working groups

It was mentioned that some of the Council's working groups are more visible and effective than others. For instance, the Working Groups on General Issues relating to Sanctions and on Documentation and Procedures have not been very

active of late. The former had before it a good document, incorporating many points of agreement, but it had been agreed that it was a package deal: that "nothing was agreed until everything was agreed". There was a deadlock on the duration of sanctions, with the result that the document could not be finalized. An attempt had been made to design an "exit strategy", but this too had been hampered by a lack of consensus. Moreover, since the remit and terms of the original group have expired, the paper is now being considered by the new members of the Council. This experience raised questions about working practices and realistic time limits. To the extent possible, sitting members should try to clear up such unresolved matters before leaving the Council. The Working Group on Documentation and Procedures is an informal working group that provides advice on technical matters. Chaired by the Presidency of the Council, it meets at the instance of any Council member, as and when issues arise for determination. Once it was very dynamic under the impetus of a former elected member and since has been rather quiet. It was suggested that, in the year ahead, members of the Council should pay greater attention to these working groups, as well as to the other two on Peacekeeping Operations and on Conflict Prevention and Resolution in Africa. They have a responsibility to do so. Perhaps with input from new members, they could find a way to further the respective mandates of these groups, despite the Council's busy agenda.

Suggestions to incoming members on preparing for a chairmanship

- Take sufficient time to prepare for a chairmanship.
- Chairs have an important role to play. But they need good support from their own Permanent Missions: technical support, knowledge/research, and political advice.
- Chairs should visit the country or region with which their groups are concerned. Discussions on the ground with embassies, NGOs, etc., are very useful for the work of a committee.
- The P5 are influential in determining which committees and working groups will and will not be established. It is important to work closely with them and to seek their guidance and advice.

Session IV
Role of the Security Council political coordinators

Moderator: **Andrés Franco, UNICEF Representative, Peru**

Commentators: **Counsellor Sohail Mahmood (Pakistan)**
Ambassador Alexander V. Konuzin (Russian Federation)
Minister Counsellor Josiah Rosenblatt (United States)

The Political Coordinator mechanism is a relatively new phenomenon. Yet it already is playing a vital and evolving role in the daily work of the Security Council.

Key functions of political coordinators

The fundamental function of Political Coordinators is to assist their Ambassadors in agenda-handling and time management, particularly during the month in which their delegation serves as President of the Council. That function is exercised in three distinct dimensions.

First, within their Permanent Missions, Political Coordinators act as key focal points in ensuring that their delegation's staff is aware of the changes to the Council's daily and monthly programme of work and participates in all meetings, whether at the Ambassadorial or expert level. In their Missions, Coordinators are also responsible for keeping track of the documents under negotiation, such as draft resolutions, as well as making sure that their Ambassador's statements are prepared on time.

Second, Political Coordinators are responsible for maintaining continuous contact with the Secretariat regarding the administrative aspects of each Presidency and, in particular, the arrangements for each meeting/consultation (e.g., the preparation of the President's procedural brief). Prior to assuming the Presidency, Political Coordinators are responsible for organizing meetings with the Secretariat (e.g., the Office of the Secretary-General, the Under-Secretaries-General for Political Affairs and Peacekeeping Operations, the Security Council Affairs Division, the regional desks of the Departments of Political Affairs and Peacekeeping Operations) in which the monthly programme of work (calendar) is planned. During their Presidency, the Coordinators are in constant touch with the Secretariat regarding formats of meetings, names of Secretariat briefers, and expected outcomes of meetings.

Third, among their peers, Political Coordinators collaborate on the finalization of the monthly programme at the monthly luncheon hosted by the incoming Presidency, held in the last week of the preceding month. Their critical role, however, is exercised in the daily communication among Coordinators during the month. In this connection, a number of speakers underlined the essential function of Political Coordinators in maintaining a constant flow of information among delegations, as well as in achieving day-to-day compromises, whether on timing or substance. Daily contacts between delegations through Political Coordinators via fax and e-mail are particularly instrumental. Speakers agreed that Political Coordinators act essentially as a focal point, as a nexus of communication among delegations to ensure greater effectiveness and to free Permanent Representatives from having to deal with routine matters. Their functions are especially relevant given the differences in size among the Missions represented in the Council.

The Political Coordinator of the Council President has an absolutely vital part in the work of the Council as a whole. In essence, the Coordinator's responsibility is to increase predictability in the Council's daily work and to transmit critical and timely information to Council members, while ensuring that the Council's activities are transparent vis-à-vis the wider United Nations membership. One speaker suggested that the Coordinator of the Presidency should take care not to strain other members by being overly ambitious in terms of programming the work of the Council, but should leave "several boxes open" in the monthly calendar to take into account unexpected events that might need to be considered. It is best to be flexible and open to suggestions. Regarding the monthly assessments prepared by each Presidency (e.g., S/2004/56), it was pointed out that those documents constituted part of the Council's mandated activities (see the note by the President of 22 May 2002, S/2002/199), and that any changes would require a new agreement among members.

Political Coordinators need to inform and educate their respective delegations about the customary working methods, procedure, and practice of the Security Council. They also play a critical role in improving the Council's time management, for example, by encouraging members of their delegation to avoid lengthy statements or the compulsion to intervene on every item. Coordinators are also well-positioned — through their network — to reach compromises on texts such as press statements by the President, Council resolutions, and presidential statements. For example, Political Coordinators have recently been asked to prepare and reach agreement on the text of the introduction to the annual report of the Security Council to the General Assembly (e.g., A/58/2).

It was pointed out, however, that there are limits to the Coordinators' ability to decide which agenda items should be programmed in the monthly calendar. The vast majority of the issues on the Council's agenda are self-generated, such as the periodic renewal of United Nations peacekeeping mandates and those items brought to the President's attention by the Secretariat (e.g., consideration of reports by the Secretary-General to the Council). At the same time, given the Council's overburdened day-to-day agenda, it was felt that the introduction of new items should be preceded by consultations among Political Coordinators and the Secretariat.

Suggested new roles for political coordinators

One discussant proposed the establishment of an informal working group of Political Coordinators to discuss (i) common understandings regarding the formats of Council meetings; (ii) issues regarding procedure and documentation; (iii) whether it is necessary to convene a wrap-up session at the close of the month; (iv) the Council's avoiding matters dealt with by other United Nations organs; (v) extension of peacekeeping mandates by five or seven months (so that the six-month pattern does not overload a Presidency with multiple mandates to renew); (vi) the need for monthly assessments by Council Presidents; and (vii) the prospect of Political Coordinators reviewing a list of Security Council resolutions that have not been implemented. Another participant, however, argued that Political Coordinators could discuss many of these things informally, without the benefit of a working group.

Session V
Priority setting, agenda shaping, and time management

Moderator: **Joseph Stephanides, Director, Security Council Affairs Division, Department of Political Affairs**

Commentators: **Ambassador Arnoldo M. Listre (Permanent Representative of Argentina)**
Counsellor Jean-Luc Florent (France)
Ambassador Emyr Jones Parry (Permanent Representative of the United Kingdom)

The moderator observed that the increase in the Council's activities in recent years and the expanded scope of the issues before it pose real challenges in terms of setting priorities. There is a clear need to consider how to free up the Council's time to ensure that it focuses on the most important issues of the day. Some steps have been taken in this direction, by, for instance, delegating certain matters to be dealt with at the level of experts; but more could be done. Another noteworthy recent development has been the introduction onto the Council's agenda of certain thematic issues — generic questions not tied to a particular crisis or threat to the peace. These afford an opportunity for Council members and non-members alike to look at cross-cutting issues raised by the conflict situations before the Council, and so inform its decision-making. A question arose, however, as to the appropriate balance to be drawn between such generic issues and specific conflict situations. As to time management, a number of sound practices have been introduced, aimed at streamlining discussions and encouraging briefer interventions. Many of these initiatives lay in the hands of the Presidency and could be built upon.

Priority setting and agenda shaping

The commentators agreed that, given the Council's heavy volume of work, the Permanent Representatives should concentrate on the key issues and delegate as much as possible. Setting priorities is not an easy matter. But it is crucial to determine what really matters and what could be dealt with by others. Looking at the agenda, there are different types of issues: ongoing conflicts that have to be dealt with; urgent items that require a response; mandated, routine, issues; thematic issues; and the unexpected. Space should always be left in the programme of work because something unexpected is bound to come up. The official programme of work, moreover, represents only the tip of the iceberg. To get a full picture of the Council's workload, one also has to take into account the ongoing work of its subsidiary organs, such as the sanctions committees, the Counter-Terrorism Committee, its working groups, and meetings of experts.

It was suggested that mandated, routine issues be delegated to others, for example, to Political Coordinators. The shaping of the agenda itself could also be delegated to them. One commentator complained that it took two days of consultation to agree on the agenda when he was President in early 2000. Another added that during his delegation's more recent Presidency, he had invited the Political Coordinators to take on this task. While that caused some delegations difficulty, the Council members then met and endorsed what the Political Coordinators had done. He learned from this experience that precedent weighs

heavily on the Council, and suggested that if members are thinking of doing something new, they should consult with the Security Council Affairs Director.

Views differed concerning how best to deal with certain long-standing issues. On the one hand, it was suggested that there should be something new before the item is considered by the Council. On the other hand, it was pointed out that, in some cases, the only new development would be a resumption of war. That is why the Council should revisit such items on a regular basis.

How could a new item be added to the Council's agenda? The answer is: not easily. It could be raised under "other matters" in consultations. In addition, the President has the prerogative, following consultations with other members, to propose that a particular thematic issue be taken up. The pros and cons of the Council debating such issues were considered at some length (see further below). Attention was also drawn to the need for the United Nations system and especially the Security Council to get failing States on to the agenda sooner for the sake of conflict prevention. It was noted in this regard that there is sometimes a perceived conflict between Article 24 of the Charter, conferring on the Council primary responsibility for the maintenance of international peace and security, and Article 2 (7), prohibiting intervention in matters essentially within a State's domestic jurisdiction (except under Chapter VII enforcement measures). For instance, while the Council was having difficulties addressing the situation in Liberia, developments there had a detrimental effect on two neighbours. Though the Council has a working group on conflict prevention in Africa, it has not met in six months or so. Mechanisms like that should be actively engaged.

Thematic issues

The appropriate balance to be drawn between thematic issues and specific conflict situations was the subject of considerable discussion. It was generally recognized that it was valuable for the Council to take up thematic issues because it needed to see conflict situations in a context and to be more strategic in its thinking. By addressing such issues, the Council could gain a better sense of the cross-cutting aspects of current threats to international peace and security — be they regional (as, for instance, on the African continent) or systemic (as in the case of factors leading to or exacerbating conflict).

Concern was expressed, however, at the proliferation of such issues on the Council's agenda. The Council's agenda is overburdened. Moreover, there is a question of institutional competence. Several participants considered that a number of thematic issues encroached on the role of the Secretary-General or that of the General Assembly, or had only a tenuous link with the Council's responsibility for international peace and security. The Charter envisaged a division of competences under Articles 24 and 11: the Council is responsible for taking action to maintain international peace and security; the General Assembly, for general discussions of peace and security. For the Council to engage in thematic debates, which sometimes produce nothing concrete, diminishes its credibility as an executive body. Some thematic issues, moreover, are so complex and have so many dimensions that they need to be addressed in more specialized forums, such as the Economic and Social Council.

Others robustly supported the Council's consideration of thematic issues, in general, and defended several topics, in particular. The Council undoubtedly has the

institutional competence to take up such matters. That other United Nations organs might, too, is no reason for the Council to apply a self-denying ordinance. On the contrary: while the Security Council does not have sole responsibility for international peace and security, it does have the primary responsibility and should use its full potential. Turning to specific topics, one participant noted that from an African perspective, it is clear that there is a strong link between such thematic issues as "children and armed conflict", "disarmament, demobilization and reintegration of ex-combatants in a peacekeeping environment", and "small arms", and peace and security. Similarly, the topic "justice and the rule of law" has recently been taken up with the agreement of Council members because such issues impinge directly on a critical question before the Council: how to develop the building blocks of a democratic State. So, too, the issue of "women, peace and security" — on which a debate was held on the anniversary of resolution 1325 (2000) — seems most germane to the business of the Security Council.

Thematic resolutions, moreover, have often been able to reach conflict situations not formally on the Council's agenda. That was the case, notably, with resolution 1368 (2001), on "threats to international peace and security caused by terrorist acts", as well as with the resolutions on "women, peace and security" and on "children and armed conflict", which are making a real difference in the field. Those resolutions have helped mobilize resources and shape political thinking. If thematic debates can have such an impact, it was asked, why should the Council not make the effort?

Thematic debates, it was argued, could be useful on two conditions: (1) that they are really interactive and (2) that the Council is clear on their purposes and desired outcomes, so that they do not become mere declaratory exercises. The Presidency has a key role to play in this regard, in clarifying what is expected from such a debate. The results of thematic debates, moreover, should be properly integrated into the Council's work and not treated as one-off events.

Time management

Participants remarked that the Security Council, though very busy, is not at the limit of its capacity. But it needs to manage its activities better. A number of participants called for imposing time limits on speakers in public debates. Others, however, questioned whether it was appropriate to limit non-Council members, who seldom have the chance to address the Council, to three minutes, as had recently been requested. Whereas Security Council members can take the floor whenever they want, for non-members, participation is an "event". If time limits are to be imposed, they should be announced in advance. Failure to do so could pose difficulties for representatives who have received instructions from their respective capitals to deliver a longer statement.

It was urged that interventions generally be short and punchy. They should be confined to three or four points, and build on points made by previous speakers. If it is necessary to get a speech on the record, then it could be circulated but it should still be summarized in a few points. The tendency of preparing a five-page written speech, distributing it and then reading it out was an affront to colleagues and detracted from an interactive debate. There is no need, moreover, to repeat what previous speakers have said; it is better to say that one agrees or disagrees. Restraint should be the order of the day. Most participants saw the merit of this. It was

recognized, however, that sometimes, on certain sensitive issues, a full statement might be required in order to convey accurately the position of the government concerned.

The same recommendation applies to the Secretariat. There is no need for briefers to read out a prepared text. It would be better to have the text beforehand, to inform the debate, and for the main points to be highlighted orally.

It was pointed out that there are other ways of streamlining discussions — through various chairing techniques. It may be useful, for instance, for the President to identify at an early stage when a consensus appears to have been reached and to invite others to speak only if they are unable to accept that position.

Summing-up

The moderator concluded the session by noting certain points of agreement:

- Members should consider a better distribution of work between principals and experts. Work that can be delegated should not go to the principals, freeing them to concentrate on strategic issues that are not being given the time they deserve.
- Debates on thematic issues, while important and necessary, should perhaps not be resorted to so readily: one should guard against "thematic fatigue". They should be carefully prepared in advance, aimed at achieving concrete results, and followed up.
- The Presidency should encourage careful time management through its chairing of meetings. Member States and the Secretariat, for their part, should help to streamline discussions by making briefer and more extemporaneous interventions, on the understanding that a fuller written text could be made available.

Session VI
Encouraging strategic and forward-looking thinking and more effective outreach

Moderator: **Professor Edward C. Luck (Columbia University)**

Commentators: **Ambassador Gunter Pleuger (Permanent Representative of Germany)**
Ambassador Munir Akram (Permanent Representative of Pakistan)
Ambassador Kishore Mahbubani (Permanent Representative of Singapore)
Ambassador James Cunningham (United States)

The challenge

According to the moderator, the Security Council faces a paradox: its international standing has fallen as its pace of work and output has quickened. The international community is increasingly uncertain of the capacity of the Council to meet present and future challenges. According to the Secretary-General and the mandate given to his high-level panel of experts (SG/A/857), the United Nations as a whole is faced with a crisis derived not from its working methods, but from core political differences among its Member States about how to respond to the new global threats to peace and security. Confronted with so many individual conflict situations, the Council finds it difficult to come to grips with emerging strategic challenges to peace and security or to shift from a reactive to a proactive or preventive mode.

According to another speaker, the Council has lost focus as it has tried to deal with too many issues. Some of these, such as certain thematic debates, should be addressed by other bodies. Closer coordination with regional organizations and NGOs could also help ease the Council's burden. At times, moreover, there appears to be an inverse ratio between the time devoted to certain items and their relative importance. Lacking clear priorities, the Council is prone to "miss the forest for the trees". Priorities should be established so that more complex and urgent issues, such as West Africa, could be dealt with adequately. Complex crises need to be addressed through peaceful dialogue, reconstruction, and development and not just under Chapter VII of the Charter. They may need to be considered by composite committees or working groups.

Others countered that, because it is composed of sovereign Member States, the Council is bound to address matters piecemeal, on the basis of short-term considerations. It does not approach its work by establishing priorities or by allocating financial resources according to the importance of each issue.

Likewise, the Council is unlikely to become a centre of strategic thinking. Its members tend to look at issues individually, from a national perspective, usually without considering the linkages between them. Although the world is becoming a borderless place, in which issues are deeply interconnected due to modern technology, this has not affected the Council's approach. Non-State actors, such as terrorist groups, who recognize these interconnections, accordingly enjoy a comparative advantage over the Council. The Council, nevertheless, may be expected to remain largely reactive since a proactive, preventive approach would require a substantial revision of its modus operandi. It is constantly engaged with

unfolding situations and inevitably devotes little time to reflecting on strategic issues.

According to some, that is as it should be. The Council is not the place to do strategic thinking. The Council's focus is almost always short-term: its task is to manage an agenda over time. The big issues, therefore, tend to be resolved on a concrete basis, as they arise. The Council is not the place for theoretical debates; rather, it should be a forum in which matters are discussed and decided.

Emerging issues

The Council faces plenty of unfinished business, such as in Africa, Afghanistan, and Iraq. It may come to play a broader role in the Middle East, especially with the Road Map. Counter-terrorism and counter-proliferation will pose major challenges and demand fresh approaches, as will the continuing problem of failed States. Unless the Security Council finds more effective ways of dealing with these emerging issues, there could be an increasing tendency for groups of States to address them outside of a Charter context.

In terms of dealing with terrorism, it was pointed out that the Council's implementation of resolution 1373 (2001) has already extended well into the territory of national parliaments. On weapons of mass destruction, the Council's decisions should not function as a substitute for international agreements, though each of the existing regimes contemplates problem cases eventually being referred to the Council. How the Council should handle such cases calls for further study and consultations. The lack of a common understanding of the nature of the current threats, such as terrorism and failed States, has led to disparate interpretations. On the other hand, the issue of weapons of mass destruction and their confinement to some States requires transparency in its analysis.

The related question of failed States was also mentioned as one of the most urgent strategic challenges before the Council. These are not matters solely of national responsibility; they are issues that must be addressed by the international community. Moreover, while it appears that peace and security issues are currently taking precedence over development for some delegations, it should be recalled that there have been serious delays in implementing the Millennium Development Goals.

Are new instruments needed?

The real question, it was argued, is whether the international community has the right instruments for dealing with these transnational threats. As the Secretary-General has recently asked, can ways be found to address collectively emerging threats, such as these, and thus to meet the concerns of those who feel most threatened?

One suggestion was to develop the concept of pre-emption. That concept, it was argued, is contemplated in the Charter in the context of sanctions, which are applicable to threats to the peace before they come to fruition. The same rationale could be extended to military action. Others maintained, however, that the Charter does not provide for this type of action, which threatens to undermine Charter principles by enabling Member States to decide, unilaterally, on the existence of a threat. Pre-emptive self-defence should thus be regulated or addressed with a new philosophy. Likewise, the legal basis for certain counter-proliferation measures deserves a deeper assessment, as in the case of search and seizure of illicit materials from ships on the high seas.

A second instrument that called for development was that of humanitarian intervention. Perhaps the best example was Kosovo where, although Security Council authorization was lacking, the international community felt that action had to be taken to prevent genocide. In that case, NATO intervention was later justified by resolution 1244 (1999). The question is whether some other legal basis is required in circumstances where the Council is unable to act. As long as the Council can take measures under Chapter VII, there is no problem; but if it cannot, one has to consider how humanitarian intervention can be justified and under what circumstances. There has been a wide debate on the subject, based on the Canadian paper, "The Responsibility to Protect".

How can the law in these areas be changed or developed? Among the options would be to wait for these practices to become customary law (a very long process), to negotiate conventions (which can also require an extended period of time), or to ask the Security Council to take a decision on the matter. The latter raises the question of whether the Council can create new international law or only adopt binding resolutions under Chapter VII on a case-by-case basis. This required a strategic discussion with the wider United Nations membership. Another interlocutor, however, expressed uneasiness about the prospect of the Security Council performing a legislative role as it had done in resolution 1373 (2001). The new threats, it was argued, should be addressed by conventions, even if that takes more time.

Accountability

These challenges suggest that the Council will need better review mechanisms and greater accountability in the future. But who is responsible for whether the Council succeeds or fails? Some contended that the primary responsibility for the Council's operations lies with its permanent members, which should accept the need for accountability. Others disagreed, claiming that the permanent members are, at most, more influential than others, due to their veto power, institutional memory, and experienced staff. The real question is whether Council members can accept their responsibilities as a group. The Council as a whole should make a conscious decision to create a mechanism that would enable it to judge its own performance in the same way that the world is evaluating its work, especially at times of crisis in multilateral organizations.

As the primary security pillar of the United Nations, the Council's accomplishments should be made known to the wider public. Yet the effectiveness of its decisions also depends on having a more representative character, one that mirrors the expansion and diversity of the Organization's membership. Moreover, the elected members have come to perceive the relationship between the Security Council and the General Assembly as one in which the Council should feel accountable towards the General Assembly. For its part, the latter has found ways to work more actively and constructively on security issues.

Reporting to the General Assembly, some contended, should be a priority for the Council. But, though the Charter provides a framework for such accountability, the prevailing legal view is that, as principal organs of the Organization, the two bodies have equal status. In any case, the Council is mandated to work on behalf of the wider membership and should thus be accountable to members at large. The real challenge is the lack of clarity in this relationship, especially regarding the future. Efforts should be undertaken to ensure that, if the Council is strengthened, the Assembly will not be undermined.